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SPEECH

OF

CHARLES P. JOHNSON,

DELIVERED AT

STURGEON MARKET,

Friday, May 12th, 1865.

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MY FRIENDS AND FELLOW-CITIZENS: I propose, upon this occasion, to present some reasons why the new Constitution should not be ratified by the people of this State. and should not be supported by the members of the party to which I now and have ever belonged. In doing so I shall abstain from impugning the motives of those who I think conscientiously differ with me, noticing them only so far as it may be necessary to a full understanding of the subject under discussion. And I would premise here, that it is a matter of serious regret on my part, to be called by a sense of duty to differ so materially in this contest with many worthy and estimable men, with whom I have been accustomed to act in furthering such measures and advocating such policies as were deemed necessary to the benefit and glory of my country and State. Such fact has led me to examine very carefully original opinions of antagonism formed upon the first reading of this Constitution, and I am constrained to say that this consideration, and a closer examination of the instrument, has given me settled opinions of opposition, and I propose not to depart from my own settled convictions. And if not for those whom I respect, surely will I not be made to depart from these convictions by the senseless yell of senseless men of the derisive epithets, Copperhead, sympathiser, &c. Cries like this of a purile partisan character are fast spending their force; the restoration of peace will disarm them of all terror even to the weak, and the shout and howl of opprobrium against those who see fit to conscientiously differ with persons, cliques or parties, will be as harmless as the shout of the maniac in his cell.

Before proceeding further, it may not be inappropriate nor uninteresting, to revert to certain incidents connected with the introduction of the bill under which the late Convention was convened. They are of some significance, conclusively showing that the Radical party is not responsible for the forcing of this Constitution before the people of Missouri, and raising, at this time, new and exciting issues in our already too much distracted State. It is, in fact, a violation of the solemn pledge of that party, as made by its representatives in the Legislature of 1863-'64—a pledge which doubtless gained adherents to the support of the bill. I assert that the foisting of this Constitution upon us at this time, is done without warrant of authority from the masses of the Radical party. The truth of the assertion I will substantiate. The bill to provide for the calling of this Convention was drafted and introduced into the Legislature by myself, in December, 1863. No material alterations were made in the original bill, with the exception of a change in the time for the election of delegates and the meeting of the Convention. The three clauses specifying what the Convention should proceed to do, upon convening, remained intact throughout a stormy and acrimonious debate. No one objected to those clauses—no amendment was offered to them.

A few days previous to the introduction of the bill, a synopsis of its contents was given to the then reporter of the *Missouri Democrat*, and was telegraphed by him to that paper, in the columns of which it appeared. A day or so following the publication, the distinguished leader of the late Convention visited the Capital and called upon me. He stated that in his opinion it was impolitic and wrong to make specifications in the bill to provide for the calling of a Convention, as to what that Convention should do. That it should simply state that the delegates on convening should frame a new Constitution for the State of Missouri. I differed entirely from such opinion, and proposed, after some talk, to leave the matter altogether to the caucus of the Radical members of the House and Senate. It was submitted to such caucus, and the leader aforesaid, addressed the same at some length, arguing that only one clause, as mentioned by him previously to me, should be incorporated in the bill. The arguments in opposition were that the people did not want a new Constitution framed at this time—that they wanted a Convention simply to de-

cide upon the abolishment of slavery and the disfranchisement of rebels. That presenting a new Constitution to the people would divide the Radical party, by presenting a number of new issues, when such party could be known to be united only upon the two questions mentioned. A number of other considerations were presented in opposition to the one clause suggested. A present Judge of the Supreme Court, and late Speaker of the House of Representatives, Walter L. Lovelace, being among its most earnest opponents. But suffice it to say that such suggestion received no countenance at all, and the original bill was unanimously endorsed. With such understanding, the bill went to the representatives of the people. But there, upon the floor of the General Assembly, the representatives of the Radical party declared that never would a Convention, if called under that bill, enact the roll of the old Convention, and usurp powers that were not delegated to them by the people. It was pledged that the whole object of the Radical party, in getting this Convention, was to rid the State of slavery and preserve the elective franchise in purity to the loyal. Was it ever thought of—was it ever announced by any of the party. that the object in calling a Convention, was to adopt a new Constitution? Otherwise, was it not the express calculation that it was only to effect the amendments spoken of? I ask any man, outside of a prominent member of the Convention, whether he thought when voting for this Convention he was voting for a body that would wrangle for months in framing a new Constitution. When I introduced the bill I never dreamed of such a thing, nor when I cast my vote for a Convention at the last election. And I suppose no other sane man thought so either. In view of these facts, allow me, in all candor, to ask a few questions of my friends who support this new Constitution. All of you will remember what a bitter warfare we carried on against the old Convention, and how obnoxious it became to the people. First, because it departed from its legitimate sphere of authority and legislated; and second, in doing so legislated in direct opposition to the known wishes of the people. In that war upon the old Convention, the Radical party assumed the true doctrine, that Conventions have no authority to go beyond the express powers granted, and, as a true Radical, I still hold to that doctrine. In other words, if a Convention is called to do one thing, and delegates are elected by the people to do that thing, they have no warrant of authority to go to work and do another thing, which the people never thought of at the time they elected them. And it is no excuse to such action that it is submitted to the people, as is done in this instance, for ratification or rejection; for if they can act at all in such manner, if they can assume such power, they can assume such further power, as is intended in this very case, as will necessarily compel a ratification of their acts. Submitting to the people is no excuse for the arbitrary and unwarranted power assumed. They were not delegated to act at all upon such matters as they did. It was the same kind of an assumption of power that was so justly denounced by the Radical party at Jefferson City, against the old Convention. The old Constitution, and even this new one, asserts "that all political power is vested in and derived from the people." A natural corollary is, that delegates elected to change the organic law in certain particulars have no right to change it in another. Did the people delegate their power to this Convention to frame a new Constitution? Where is the patent of power? Is it in the bill where each clause uses the word "amendments?" Or where is the instruction from the Radical party to delegates, as members of that party to so act? Is it expressed in any word, speech or resolution given to the people by any prominent member or meeting of that party? If so, I have never seen it. There has been an impression extant, that Conventions are sovereign on all questions. The illustrations afforded during the rebellion, of the pernicious effects of admitting such a theory, should sweep it into a deserved oblivion. But you say it is submitted to the people for ratification or rejection. Well, the Convention was not empowered to do even that. If you grant that they have the right to depart from the express powers delegated at the time of the election, then you must grant that they possess the right to prevent classes from voting on the question of ratification. In other words, they can prevent a fair election and compel a ratification of their assumed power. If you grant the one, they can easily take the other. Conventions should never be endorsed in any act they perform, outside of the express ones which they are delegated to perform when their delegates were elected. This Constitution should be defeated, if for no other reason than that the Convention assumed to do that which they were not elected to do. And the Radical party should defeat it, if for no other reason than that the majority of the Convention violated the pledge and the announced policy and principles of the party. And now let me ask, in view of what has been said, who is responsible if the radical party is divided? Is it those who oppose this Constitution, if for no other reason than to be true to a solemn pledge? Or is it those who have despotically forced it upon the people of the State, without individual or party solicitation?

My friends, we are in no ordinary emergency. This thing of adopting a Constitution is a serious matter. It is one that will come home to every person in the State. It is our form of Government—our organic law—and should be an ark of safety. In a Constitution, above all things, we want incorporated just principles, for obvious reasons: That we and our children, and our children's children are to live under it; and it is pre-eminently the educator of the people. It should be such. Our whole safety as a Republic depends upon the reverence and love the people have for their Constitution, and the elements of such attraction should be in it. If wrong is in the Constitution, the people will learn wrong. If intolerance, narrow-mindedness, selfishness and bigotry are in the Constitution, they infuse into and so vitiate the body politic. Slavery existed in Missouri so tenaciously against all reason, because the Constitution taught the people pro-slaveryism. Therefore be on your guard—enquire into this subject as closely as you would if you were going to send a beloved child to school, about the character of the teacher and his system of instruction. Do not be alarmed at the clamor of party. It is not, nor can it be made a party question. Parties exist

generally on one or two main issues. There are fifty issues in this. Constitutions are made to govern parties—not parties to govern Constitutions.

Let us proceed to examine this new Constitution.

In the first place I have yet to meet the man who has not got serious objections to this Constitution. Many good men among the number, however, state that they favor it anyhow because it disfranchises rebels. They care not how infamous are other provisions; they consider it a more effective disfranchisement law than that of the old Convention. This they consider as the all important requisite for the peace and prosperity of the State. Upon the same principle it would be advisable for the delegation in the Legislature from St. Louis, during the next session, to neglect all the industrial, mechanical, educational and commercial interests of their constituents, and devote their whole energy and attention to devise means to more effectually punish thieves who infest our city; and to carry the illustration further, on their return for our citizens to exclaim with one voice, "Well done, thou good and faithful servants: you neglected all the interests of our great and growing city; you threw aside, as unworthy of notice, measures necessary for our increasing wants and developments; you have almost ruined us by your inattention and neglect, but you *did pass stringent statutes against thieves*, and we indorse you." If it is presumed that the people of Missouri will so address the party after the adoption of this Constitution, I am convinced, from what little experience I have of human nature, that the presumption is decidedly erroneous.

Article second of this Constitution is framed with the intention of preserving the elective franchise in purity to the loyal people of the State. The Convention was called to devise a just system for the attainment of this end. It has been very rightly and is yet deemed necessary to place such restrictions upon those who have been wilfully engaged in this rebellion, as will prevent them from exercising the full rights of citizenship in a Government they so lately madly and wickedly attempted to overturn. Such restrictions should be as a punishment for their crimes, and inflicted for the purpose that all punishments are, aside from this, to deter others from committing like offences. It had previously been found by local experience that the system of test oaths was defective and could not be relied upon to compass the desired end. It was expected that the wisdom of this body would devise other and more rational means. But herein they failed and adopted the same method as that adopted by the old Convention. The following sections from article second, designates the classes of persons proscribed citizenship, the same to be carried out by means of a test oath:

"SEC. 3. At any election held by the people under this Constitution, or in pursuance of any law of this State, or under any ordinance, or by law of any municipal corporation, no person shall be deemed a qualified voter who has ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the Government of this State; or has ever given aid, comfort, countenance, or support to persons engaged in any such hostility; or has ever, in any manner, adhered to the enemies, foreign and domestic, of the United States, either by contributing to them or by unlawfully sending within their lines, goods letters, or information; or has ever disloyally held communication with such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, by act or word, manifested his adherance to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against the United States; or has ever, except under overpowering compulsion, submitted to the authority, or been in the service of the so-called ("Confederate States of America;" or has ever left this State, and gone within the lines of the armies of the so-called "Confederate States of America," with the purpose of adhering to said States or armies; or has ever been a member of, or connected with, any order, society, or organization, inimical to the Government of the United States or to the Government of this State; or has ever been engaged in guerilla warfare against loyal inhabitants of the United States, or in that description of marauding commonly known as "bushwhacking;" or has ever knowingly and willingly harbored, aided, or countenanced any person so engaged; or has ever come into or left this State, for the purpose of avoiding enrollment for the draft into the military service of the United States, or has ever, with a view to avoid enrollment in the militia of this State, or to escape the performance of duty therein, or for any other purpose, enrolled himself, or authorized himself to be enrolled, by or before any officer, or disloyal, or as a Southern sympathizer, or in any other terms indicting his dissatisfaction to the Government of the United States in its contest with rebellion, or his sympathy with those engaged in such rebellion; or, having ever voted at any election by the people in this State, or in any other of the United States, or held office in this State, or in any other of the United States, or in any of their Territories, or under the United States, shall thereafter have sought or received under claim of alienage, the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in this State, or in the army of the United States; nor shall any such person be capable of holding in this State any office of honor, trust or profit under its authority; or of being an officer, councilman, director, trustee, or other manager of any corporation. public or private, now existing or hereafter established by its authority; or of acting as a professor or teacher in any educational institution, or in any common or other school; or of holding any real estate or other property in trust for the use of any church. religious society or congregation. But the foregoing provisions in relation to acts done against the United States shall not apply to any person not a citizen thereof, who shall have committed such acts while in the service of some foreign country at war with the United States, and who has, since such acts, been naturalized, or may hereafter be naturalized, under the laws of the United States; and the oath of loyalty hereinafter prescribed, when taken by any such person,shall be considered as taken in such sense."

In the first place I look upon this section taken in its entirety, and judging simply of the intentions of its framers, as the most cowardly and diabolical provision that was ever incorporated in any law extant.

But before I mention my reasons for so thinking let me say that I am firmly convinced that this section will not disfranchise rebels, *as such*, who should securely and permanently be disfranchised. If the doctrine of once a rebel, always a rebel holds good, the same rule may be applied to a perjurer; once a perjurer, always a perjurer; and it is not likely, as some men think, that the American people will become common informers, and watch at the ballot box to send men to the Penitentiary. Let us see the practical workings of this system; take any well known citizen and place him at the poll of any ward in the city and let a thousand men come forward, take the oath and vote, and let five hundred of them be rebels, and he cannot knowingly challenge five of them. If he happens to know one person who takes the oath to be a rebel, to make this system of any effect he must act the informer and appear before the Grand Jury and then before the Petit Jury. The same may be said in regard to applications for certificates under the registry law. Now how many citizens are going to stand at the polls or beside the register to preserve the franchise in purity to the loyal people? It is a wonder that the ingenious brain that constructed this remarkable section did not strike the true depth of a penetrative statesmanship at once, and provide for the hiring of public informers to watch at the polls and registers for rebel voters. It would have carried out the general spirit of the law admirably. It is no effectual system then, to prevent real criminal rebels from voting, because perjury is a small crime to the man who has committed treason. But I return to the original proposition that this section is in spirit and substance diabolic, and I will add not at all in accordance with our ideas of republicanism. I yield to no one in this broad land in the desire to punish traitors as they deserve to be punished, but in doing so I desire to retain the equanimity of the Judge and not the fury of the mob. I want to be ruled by the immutable principles of justice, tempered with mercy, and not by the brutal instincts of revenge. I prefer at all times the temper of *Hale* to that of *Jeffries*.

It is unnecessary to stop and note the unpardonable blunder in the specification that "no person shall be deemed a qualified voter who has ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the Government of this State." Whether it means as it reads or not, I know that it is not going to distranchise the men who took Camp Jackson and run Claib. Jackson and his Legislature out of the State. But let me call your attention to the following: No person shall be deemed a qualified voter who "has ever, by act or *word*, manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States; or his sympathy with those engaged in exciting or carrying on rebellion against the United States." To the glory of the American people be it said that such enactments as the above have never disgraced the statute book, even in times of war. It has been usual to exercise the right of free speech, and I believe the policy of Mr. Lincoln's Administration was never to interfere with such right unless it was used with a manifest intention to thwart the designs of the Government and disturb the public peace—when it assumes the character of an *act* and is not a *word*. It is not presumable that you can *force* a man to think differently from his convictions, and he has a right to express his opinions whatever they may be, if he does not interfere with the rights of others or disturb the public peace. In our country we have struggled for this right and we have generally maintained it. The rebellion was doubtless accelerated by the proscriptions of the Southern party against free speech on the slavery question. Let us not follow their example. A person has a right to believe there is no God, and so believing he has a right to express his opinions. He has a right to think that war is wrong and should never be resorted to under any circumstances, and he has a right to say so. Mr. Greeley had an undoubted right at the time of the commencement of our difficulties to say that it might be best to let the seceded States go rather than to wade through the blood that would be necessarily spilled to retain them in the Union. Others might not so think but he had a right to think and say so. I might say the same of Mr. Conway, of Kansas. But their saying and thinking so would not make me favor their disfranchisement if they lived in Missouri. The distinguished leader of the late Convention had a perfect right to be a pro-slavery man and sign and indorse a non-coercion sermon, and, though a strict construction of the above might disfranchise him, he ought not to be disfranchised. Under martial law, of course, men have been arrested and imprisoned for expressing opinions. But martial law is an anomaly necessitated by great exigencies, alien to a Democratic Government, and best to be got rid of as soon as possible. And because men may be arrested for expressing opinions when living under martial law, that fact neither makes it an offence nor empowers civil Government to punish a citizen for the quiet expression of any opinion, be it ever so alien to the generally received notions of man's duty to individuals or government. De Quincey has argued upon murder, which formerly, in certain cases, was deemed petit treason, as one of the fine arts; a very pernicious doctrine, but I take it that the English Government would have appeared in rather a ridiculous light to have prosecuted him for it. *Acts* only are recognized by the genius of our law as being punishable, and the insertion of these words, "or word," in this clause is simply atrocious. It is worthy of note that even the leader of the late Convention indulged in a very fiery philippic against the insertion of this word "word." It will be verily a startling fact to the historian, but I hope, for the honor of my native State, it will pass into oblivion so soon that history will not find it. But note further: "No person shall be a qualified voter who has ever, by act or *word*, manifested his sympathy with those engaged in exciting or carrying on rebellion against the United States." It is a little difficult to tell what kind of sympathy expressed comes within the meaning of this clause. The oath specifies directly or *indirectly* manifested their sympathy by act or *word*. In the oath the manifesting sympathy by word is referred to as an act; it means that the use of words of sympathy *is an act* and punishes it, as such. But indirect sympathy might be construed to be the sympathy that a father or mother has for a son, a sister for a brother, a wife for a husband. If we put such a construction on it, this law essays to interdict the noblest instincts of

love and affection, and punish what God gives as virtues. All who are familiar with the history of rebellion in Missouri are aware that a great number of the volunteers who went from the State with Price, were young men, led off by the excitement of the times and the influence of wily political leaders. They left, as a general thing, fathers, mothers, sisters, and "nearer and dearer ones" still behind. Their career has been a disastrous one, and they have suffered as they should for their rash offences. Their relations behind may have been good citizens. They may have tried to prevent their going, but when gone, and the sound of war and carnage was wafted in every breath to the homestead, and the mother knew her erring boy was amid the tempest of battle, was it for her to close up the avenues of her heart and breathe no word of sympathy for him? Was it a punishable crime for her to do so? Or the lone wife at eventide, when the shadows of night darkened the gloom of her soul, and she spoke words of sympathy for her husband, in imagination out in the world perhaps a stark corpse on a bloody field, did she commit a punishable crime? A crime to manifest *by word* a sympathy for the loved, even though they be criminal? Shame upon the man who says it. But, say you, it does not mean such expressions of sympathy. Well, what is an indirect expression of sympathy with those engaged in exciting or carrying on rebellion against tho United States? But suppose we take what the supporters of this Constitution say it means,—that it means an expression of sympathy for the cause which they are engaged in—fighting against the Government, does it make the provision any the less odious? Will not the arguments previously advanced touching free speech, equally as well apply in this case? Most assuredly. If the wife, the mother, or tho sister expressed sympathy for the cause in which the husband, the son, or the brother was engaged in, and simply this and no more, no generous Government after that cause is crushed, should punish them. It smacks too much of tyranny, oppression and proscription, for tpranny, oppression and proscriptions sake. And tho punishment is not confined to disfranchisement. The penalty for these newly invented crimes is also another disqualification; for no person who has by act or *word* manifested his adherence to such enemies or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against the United States, shall be capable of being an officer, Councilman, Director, Trustee, or other manager of any corporation, public or private, now existing or hereafter established by authority of the State or of acting as a professor or teacher in any educational institution, or in any common or other school, or of holding any real estate or other property in trust for the use of any Church, religious society or congregation. Consequently the mother, the wife and the sister, according to a reasonable construction if they ever have manifested by *word* a sympathy for those who are bound to them by the nearest and dearest ties of the heart are placed in the same catagory with the bushwhacker and his harborer, and disqualified from pursuing the vocations that may afford them sustenance for themselves and children. A great State making a petty war upon school-mistresses. And the citizen peaceable and quiet and observant to all laws, for exercising a right thought to be guaranteed by the Constitution of the United States and of this State, the legitimate exercise of a free speech, is branded as a rebel, disfranchised and disqualified from persuing accustomed fields of honor and industry. Let me tell you, my friends, that if certain classes proscribed in this section cannot be identified with our people by virtue of common duties, hopes, interests and privileges, they should be eliminated from the body politic altogether, for the benefit of themselves and their children, ourselves and our children.

The prolixity and ambiguity of this section is a very serious fault. If you consider that the oath requires every citizen, before he votes, to take an oath that he is well acquainted with the terms of such section, and has carefully considered the same, you will easily perceive what a snare there is for the unwary. Few people, I take it, can understand it in all its details. It presupposes a knowledge among all classes of legal phraseology which does not exist. Every conscientious man, be he ever so intelligent in the general affairs of the world, must stop and reflect very seriously whether he can swear that he understands that whichlawyers are already wrangling about. It is an outrage to adopt rules so abstruse to apply to tho ordinary actions of men. Above all things simplicity should characterize the provisions of a Constitution. And how many new kinds of acts are here set forth as punishable for perjury? If a man swears that he does understand it, and he does not, he is liable to punishment for perjury. If a man who helped to overturn the State Government of Claib. Jackson takes this oath, he has no assurance that a future Judge, in instructing a jury, may not say that the State Government means the Executive and Legislature at the time, and it is perjury, under the Constitution, for a person so acting to take the oath. The same in regard to manifesting sympathy by word. A person may take the oath, and think he is doing right—because his manifestations were simply indirect expressions, prompted by generosity toward the person and not the cause, and a Judge may decide differently, and say he is liable to punishment for perjury under the Constitution. The *gist* of crime—the *intent*—is entirely abrogated. It is snare upon snare, it is trap upon trap; it is worthy of the brain of a tyrant. "Sylla," says Montesquieu, "who confounded tyranny, anarchy and liberty, made the Cornelian laws. He seemed to have contrived regulations merely with a view to create crimes. Thus, distinguishing a number of actions by the name of murder he found murderers in all parts; and, by a practice but too much followed, he laid snares, sowed thorns and opened precipices wherever the citizens set their feet."

The comparison between the action of that bloody proscriber and the majority in the late Convention will be readily perceived when we read in Sec. 14, Art. III, that whoever shall "take said oath falsely, by swearing or affirmation, shall, on conviction thereof, be adjudged guilty of perjury, and be punished by imprisonment in the Penitentiary not less than two years." It is a fact worthy of note that the

words "*knowingly*" and "wilfully," heretoforo deemed by jurists and legislators so appropriate and necessary in laws for tho government of people in this world of error and ignorance, are with characteristic humanity omitted by tho framers of this Constitution.

Again, tho Convention in this article intentionally violates the pledged faith of this State in that they disfranchise those who laid down their arms and come back on the promise of the Stato Government, with the indorsement of the United States that thoy should receive the benefits of and be treatod as citizens. Many of those, who in the first excitement of the conflict were led off, accepted willingly this offer, and returned to their homes. Some of them, we know, entered the service of the United States, and have fully repaid for their original error by fighting upon many of the hardest contested battle-fields of the country. I know not how many of such persons there are, but there are doubtless several thousand in the State and our armies. But I care not if there was only one solitary man, I would vote against this Constitution, bocause it disfranchised him. If there is any thing that should be respected, it is the pledged faith of a State. The honor of Missouri should remain untarnished, and this blot never be incorporated in her organic law. It is a burning shame already to think that a Convention of our citizens should so far forget the dignity of their position as to attempt to repudiate a solemn pledge, affecting the happiness and prosperity of a large class of citizens, a class who were courageous enough to fight for an error when they thought it right, and courageous enough to abandon it when they found it an error. If one party can so easily forget the bond of promise of the State, the next party may adopt tho precedent, and forget it likewise, and the people become so demoralized that they will applaud the act until the finger of a righteous scorn will cause no blush of shame. I never have been able yet to learn how this Convention could conscientiously attempt to do this thing, unless upon the principle that when they met the leading parties therein determined with malico aforethought to reverso the old theory of the common law, that it is better for ninety-nine guilty persons to go free than that one innocent one suffer, and go upon the one that ninety-nine innocent persons had better suffer than that one guilty one go free.

And right here let me say, in parenthesis, that, if it were not for the seriousness of the subject, one might stop to be amused at the lofty inspiration of statesmanship which struck the framers of this Constitution when they caused to be incorporated section 17 of this same article, wherein it is provided that no person, who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election! This puts an end to wagers of boots or hats upon favorite candidates.

But now let us pass for a moment from this third section and see in what manner it is intended to carry out this wholesale proscription. The manner provided is equally objectionable. Read: * * *

A writer in one of our public prints has so forcibly shown the objections to this system that I copy from him. He says:

ART. II. SEC. 4. "The General Assembly shall immediately provide by law for a complete and uniform registration by election districts of the names of qualified voters of the State, which registration shall be evidence of the qualification of all registered voters to vote at any election hereafter held. But no person shall be excluded from voting at any election on account of not being registered until the General Assembly shall have passed an act of registration, and the same shall have been carried into effect. After which no person shall vote unless his name shall have been registered at least ten days before the day of election. And the fact of such registration shall be not otherwise shown than by the register, or an authentic copy thereof certified to the Judges of Election by the registering officer or officers, or other constituted authority. A new registration shall be made within sixty days next preceding the tenth day prior to every biennial election, and, after it shall have been mado, no person shall establish his right to vote by the fact of his name appearing on any previous register."

SEC. 5. "Until such system of registration shall have been established, every person shall, at the time of offering to vote and before his vote shall be received, take an oath in the terms prescribed in the next succeeding section. After such a system shall have been established, the said oath shall be taken and subscribed by the voter at each time of his registration. Any person declining to take said oath shall not be allowed to vote or to be registered as a qualified voter. The taking thereof shall not be deemed conclusive evidence of the right of such person to vote or to be registered as a voter, but such right may, notwithstanding, be disproved. And after a system of registration shall have been established, all evidence for and against the right of any such person as a qualified voter shall be heard and passed upon by the registering officer or officers, and not by the Judges of Election. The registering officer or officers shall keep a register of the names of persons rejected as voters, and the names shall be certified to Judges of Election, and they shall receive the ballot of any such registered voter offering to vote, marking the same and certifying the vote thereby given as rejected, but no such vote shall be received unless the party offering it take, at the time, the oath of loyalty hereinafter prescribed." * * *

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"The objections to the two sections just quoted are that they establish, in the name of suffrage, essential tyranny.

1. The Register is to say who shall vote.

2. There is no appeal from his decision.

3. The Judge of the Election *shall not* consider the evidence on which he has acted; nor is it provided that any other tribunal shall ever review or control his opinion.

4. If he is faithful and honest the power here given is too large to be placed in the hands of any one officer with no appea from his judgment.

5. If unfaithful, dishonest, the door or corruption is left open, and the temptation to improperly influencing the officer is guarded by *nothing* whatever.

The rejection of a few votes by the Register decides the election. The Register is of course, in many in-

stances, up for sale, and whoever can buy him is returned. In some old English boroughs during the last century the votes by which a member was to be returned to Parliament were very few; and it was notorious that these votes were always bought. It was known as the "rotten borough system." This registry scheme is worse than the rotten borough. There you had to buy several men; here you need only buy one. The provisions of the above sections are positively monstrous. It is wasting time to comment upon them. One who does not see at a glance what they are will never see. A registry system is called for, but with proper guards."

Who even imagined that this Convention would adopt the plan of the old Convention for the disfranchisement of rebels, after the system they inaugurated had proved so weak and inefficient. All loyal men admit that there are classes of men in the State who should be disfranchised, at the same time thinking men appreciate the difficulty of framing a just system applicable to the subject. It is one requiring the highest exercise of calm and thoughtful statesmanship. It was not grappled at all by the late Convention. It was either a subject beyond their comprehension, or their love for the models of a very olden time made them act as they did upon it. There is a suspicion that it was a little of both. They gave the matter, in fact, no serious consideration at all. They just incorporated a kind of blind fury that possessed certain prominent actors in their body into an oath which, if most any body takes, as I have shown, will make him liable to the punishment of perjury. If they had considered at all, they might have discriminated a little as to the extent of proscription and not proscribed all alike. The slightest reflection would have suggested a better plan than this. A Board of Commissioners sitting as a Court with open doors, to register voters, has been suggested, the rejected voter to have an appeal to the highest tribunal in the State, if he desires. This would be a much better plan. But there are many plans that might be adopted, and all of them better than this test oath system. The conscientious man will respect this oath, though never having done an act against the Government of the United States or aided or abetted the enemies thereof. The rebel who has aided and abetted such enemies will take it and will be rarely, if ever, punished. Therefore it is inefficient in protecting us against those criminals, whom we should be protected against, and at the same time it prevents certain others from exercising the rights of citizenship who are as much entitled to it as you or I, or any member of that Convention. There are many men who were against us in the days of Camp Jackson—and, in fact, how few were not, taking out our German fellow-citizens—who are to be met upon the streets of our city with honorable scars, received in fighting the battles of our country. Some of a like kind I could mention who died under our flag, and whose bones lie mouldering in Southern graves.

But men say that it is better anyhow than the old Convention Ordinance, and it is the only remedy we have. This I deny. The Legislature this winter can pass a registry law that will more effectually disfranchise rebels than this Constitution will. And suppose they could not, is the Radical party not strong enough to amend the old Constitution? The remedy is in our hands now, but I verily fear that if the Radical party indorses this Constitution, they will not be able to remedy any thing again in this State, for they cannot stand long under this load.

Take it in either light, therefore, it is no excuse for a man to vote for this Constitution because of its disfranchisement of rebels. It goes not in the right way to secure us against rebels, and it goes too far in its attempt and intention to proscribe citizenship. The spirit that actuated and carried beyond the bounds of all reason its framers, I hope is not the spirit that is to be manifested in the efforts of the American people to reorganize the Republic. If so, do you think the nation's wounds will soon be healed; that peace and good will among men will soon come again? Believe me, I have ever thought our cause was holy and that rebellion would be crushed. But there has been a shadow sometimes upon my soul, caused by the reflection that, in the solution of the great questions arising from the ashes, as it were, of rebellion, our temper might lead us to adopt policies and inaugurate practices which might unconsciously and imperceptibly encircle us as with gyves of steel like unto such we never dreamed of? We stand upon the threshold of the most important duties. The warrior has done his work and done it grand and nobly. Let the Statesman now do likewise and the Republic of America will be in truth the asylum of liberty for the people of all nations. Let us in performing our allotted duties be actuated by a high and noble impulse, and "with malice towards none, with charity for all, with firmness in the right, as God gives us to see the right; let us strive to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, and to do all which may achieve and cherish a quiet and lasting peace among ourselves and with all nations.

I have shown now, my friends, that this article on disfranchisement is wrong in spirit and form, and will prove to you ineffectual to secure to you the elective franchise in purity. No Union man, therefore, should cast his vote for it upon that ground. It stands before you, separate and distinct from this issue, in all its deformity; and if it does not present an effective system of disfranchisement, pray what good is there in it? Verily, no good, but rather much evil.

There is no evil which the American people should be more careful to guard against than the interference of civil jurisdiction with the freedom of religion. The history of the world shows it to be the most prolific source of commotion and woe. The major portion of the great wars of modern times have sprung from the assumption of civil rulers to interfere and regulate in matters of conscience. Its consequences brought the exiled Pilgrims to Plymouth Rock; and from the time of the foundation of the Republic it has been instilled into the public mind by the wisest and best of our statesmen, to leave religion to perform her own functions without any interference from the State. In fact, it is generally deemed that one of our dearest birthrights is the liberty of conscience gained by such principle in the fundamental organism of our Government.

The principle is departed from in this Constitu-

tion and power is assumed and interference made with the liberties of conscience. And it is done too in so manifest a spirit of intolerance as to be worthy of the strongest condemnation. It is done with the avowed object of striking at a class of religionists in our midst. So little reflection was there in the leaders in this Convention that they wilfully incorporated a spirit of intolerance, the evil seeds of which may take root, spring up and ripen into the most serious complications. Two sections in the Bill of Rights read:

12. That no religious corporation can be established in this State; except that by a general law, uniform throughout the State, any church, or religious society or congregation may become a body corporate for the sole purpose of acquiring, holding, using,and disposing of so much land as may be required for a house of public worship, a chapel, a parsonage, and a burial ground, and managing the same, and contracting in relation to such land, and the buildings thereon, through a Board of Trustees, selected by themselves; but the quantity of land to be held by any such body corporates, in connection with a house of worship or a parsonage, shall not exceed fiveacres in the country,or one acre in a town or city.

13. That every gift, sale, or devise of land to any minister, public teacher, or preacher of the Gospel, as such, or to any religious sect, order, or denomination; or to, or for the support, use or benefit of, or in trust for, any minister, public teacher, or preacher of the Gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods, or chattels to go in succession, or to take place after the death of the seller or donor, to or for such support, use. or benefit; and also every devise of goods or chattels, to or for the support, use, or benefit of any minister, public teacher, or preacher of the Gospel, as such, or any religious sect, order, or denomination, shall be void; except always any gifts, sale, or devise of land to a church, religious societiy or congregation, or to any person or persons in trust for the use of a church, religious society or congregation, whether incorporated or not, for the uses and purposes, and within the limitations of the next preceding clause of this article.

The first section is a change from the old Constitution; a power is granted to form religious corporations, but at the same time certain restrictions are placed upon them. This is the assumption of a very dangerous power in the State and the establishing of a very pernicious precedent. If you once grant that Conventions can permit religious corporations and then *regulate* them, you open the field for unlimited legislation on the subject of religious corporations. At one time they may be restricted, at another unlimited privileges may be granted to them, according to the feelings or inclinations of dominant parties. It admits of a right of the civil jurisdiction to directly interfere in matters of religion, a theory now, and I hope ever to be, entirely repuguant to our ideas of liberty of conscience.

The next section not only interferes with matters of religion, but it gives you to understand that that interference is for the express purpose of striking at a certain one of the religions of the country. It deprives you of the right to dispose of your property as you see fit, for the evident purpose that disadvantage may come upon that religious organization. I see no other reason for the incorporation of this section. Well, I say this, if it is insisted on, as essential to the general welfare, to legislate to retard the advancement of church organizations in certain matters, as is the intention in this section, I would prefer having it done otherwise than at the expense of my personal liberty. In this you are prevented from making a gift, sale or devise, negatively, to any minister, public teacher, or preacher of the gospel, *as such*, or to any religious sect, order or denomination; but you may to a church, religious society or congregation. If you feel disposed when you die, to leave any thing to the Presbyterian, Baptist, Methodist, Episcopalian or Catholic church, you need not do it, for the devise will be void. Such widespread charity is not allowable under this Constitution. You must be more narrow-minded and selfish; we, the State, insist upon it, and we will make you be so. You may leave it to the church you attend, the First Presbyterian, the Second Baptist, etc. The animus is plain enough for everybody who runs to read. It is generally the case that gifts and devises to the Catholic church are to the whole body, and used as the hierarchy see fit. The framers of this Constitution wanted this stopped and to do it they inserted this section which includes the Protestant church also. Of course Protestant churches will experience no inconvenience, no disadvantage in the adoption of this provision, because they rarely, if ever, receive such gifts or devises. I am not arguing for or against any religious organization, but simply explaining the Constitution in its relations to the general principles of religious liberty. And I must say, in my opinion, this is a violation not only of the liberties of conscience, as guaranteed by section nine of the Bill of Rights, where it is said that no human authority can control or interfere with the rights of conscience, but also of section one of the same Bill of Rights, wherein it is stated "that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor and the pursuits of happiness." If we endorse this action, God only knows what may come hereafter. The next Convention may prescribe how we should dispose of our property in detail, and what religion we shall and shall not sustain. The motives that actuated the incorporating of this doctrine in this Constitution, were not those of a very liberal statesmanship for it is, as I have shown, apparent that the infringement of liberty was enacted simply to prevent any citizen, in the language of the distinguished leader in the Convention, Mr. Drake, " to aid in sustaining an ecclesiastical establishment, the principal element of whose strength is its wealth; which is, in fact, a vast money-making machine; and whose wealth, swelling in amount day by day, and managed by a single undisputed will, evermore works to one sole end of building up and perpetuating the power of a hieraracy, which, through all its ranks, owes a sworn and unqualified allegiance to its absolute head *in Rome*, and whose organization, instincts and purposes are not in alliance with democratic liberty, or in sympathy with the spirit of Republican institutions."

Let us look a little further into this section nine:

9. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience, and that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession; *but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licenticousness, nor to justify practices inconsistent with the good order, peace or safety of the State, or with the rights of others.*

There must have been some apprehension of an emigration of Mormons to this State, judging from the tenacity with which certain members of the Convention held to the necessity of retaining this qualifying clause. And why insert this qualifying clause? Is there no danger of its admitting legislative interference with actions that do not accord with the views of certain persons, upon the ground that they interfere with the peace of the State and the rights of others? There is no telling what construction may be placed upon this qualifying clause, and any such indefinite proviso should not be allowed in the Bill of Rights. It is enough simply to make the declaration, and leave it for the Courts to punish, according to law, acts inconsistent with the good order, peace or safety of the State or the rights of others. I pray Heaven that in this country we may never have religious-political difficulties. But if men will so far forget the lessons of experience as to advocate measures like those we have been reviewing, wherein the State professes to attack the Church, it matters not in what branch, it is but natural to suppose that the church may be led to enter the arena of politics to gain control of the State; then farewell forever to peace and prosperity.

The districting system as provided in this Constitution is impracticable and will prove a source of fraud and corruption. I shall not quote the section regulating it, suffice it to say that it provides that the county of St. Louis, for instance, shall be divided into a number of districts, equal to the number of representatives that she is entitled to. We are now entitled to twelve, consequently the county will be divided into twelve districts. Each representative must be a resident of the district in which he runs, and the elector votes only for one representative, that of his own district. It is to be done in about the same manner that you elect a common councilman. The county Court specifies the boundaries of the various districts, and they can change them whenever they think best. In the first place you can easily see how troublesome this system will be; and, in the second place, you can easily perceive what a field is here left open for fraud ond corruption. Every party in the ascendency to retain their power will take measures to have a redistricting to suit their wishes and obtain their ends. It may be that the Judge is honest but at the same time few of them would be likely to think otherwise than that it was really to the benefit of the public to have a new districting whenever it was necessary to gain a representative who really was of the same "principles" as himself—which "principles" of course are patriotic, and which he would "die for," if necessary, to promulgate. This is decidedly wrong. Constitutions should be framed above all things so that mere parties could not use them as a machinery to perpetuate power.

The same thing can be said of the districting for Senators. I have mentioned it only in connection with our county and city, as an illustration. The same system is prescribed for the whole State. Each county sufficiently populous to have more than one representative, shall be divided by the County Court into as many districts as she is entitled to representatives, and the same objections apply to it elsewhere as here.

SEC. 12. The sessions of each House shall be held with open doors, except in cases which require secrecy.

This is wrong. It is copied from the old Constitution, but it should not be in our organic law. We want no more secret sessions either of the House or Senate. The old system in the States of having executive sessions secret should be abolished. The people should know every appointment that the Governor sends in for confirmation and furthermore the appointees and the people should know what their Representatives say for or against them. This sys- has been a surce of unmitigated wrong to good men, affording cowards the opportunity of saying things they would not dare to say if their remarks would be given publicity. It smacks too much of the Star Chamber. If we had ever to consider foreign relations it might be different.

In our Government the main principle evolved is that majorities rule. The Constitution puts restrictions upon the people in opposition to this principle in the following instances. In article IV, section 30, it prevents the General Assembly from removing a county seat without a two-thirds majority vote for the same in the county. In section 14 it prescribes that no county, city or town, shall become a stockholder in or loan its credits to any company, association or corporation, unless two-thirds of the qualified voters of such county, city or town shall assent thereto.

ART. XI. SEC. 13. The credit of the State shall not be given or loaned in aid of any person, association or corporation; nor shall the State hereafter become a stockholder in any corporation or association, except for the purposes of receiving loans heretofore extended to certain railroad corporations by the State.

SEC. 15. The General Assembly shall have no power, for any purpose whatever, to release the lien held by the State upon any railroad.

Why incorporate these restrictions in the organic law? Is it because it would be injudicious for the General Assembly to do so now? Suppose it would be impolitic for the Legislature to do so to-day, is it any criterion that it may not be very wise for them to do so to-morrow. A Constitution should not be make for a day, it should be made for all time. And though we might all oppose such action upon the part of our legislature during our present condition, we might demand it of them at a future time. The sections read more like the resolutions that usually pass as

part and parcel of a party platform, at a party convention, than as provisions in an organic law.

SEC. 16. No property, real or personal, shall be exempt from taxation, except such as may be used exclusively for public schools, and such as may belong to the United States, to this State, to counties, or to municipal corporations within the State.

Under the old Constitution, the Legislature has unlimited power upon the subject of taxation. It simply specifies that all property subject to taxation shall be taxed in proportion to its value. And it is perfectly right that the Legislature should be so untrammelled, for the manner, mode and quantum of taxation should be regulated to suit the public wants and requirements. At no time during the past, be it said to the glory of our State, has it been deemed necessary to tax the entire personal effects of a person, nor such institutions as hospitals for the sick, churches, chapels and other public buildings for religious worship with their furniture and equipments, cemeteries and graveyards, set apart for that purpose only. Being so unrestricted upon this subject of taxation our Legislature has very wisely exempted certain necessary utensils for a man's domestic use, and used in gaining a livlihood. But this clause above quoted compels the taxation of all property in the State, except that used for public schools. The Legislature has no alternative but to pass laws to carry out the inhuman and barbarous system. The widow who earns her scanty fare by the hard labor of the wash-tub cannot escape the call of the tax Collector; the little furniture must be returned to the Assessor, and she must seek the office of the Collector to save from levy and sale her household goods. The mechanic and the artisan, the prop and power of the State, must pay a tax upon the implements of his trade—no property real or personal is exempt, and the Tax Collector wil become as loathsome a creature in this land of freedom as the bailiff who distrains for rent on an oppressed tenantry in Ireland. I do not seriously believe that these men knew the force and meaning of this section when they passed it. If they did, they were men having little sympathy with the struggling masses of our land—with few fine impulses of generosity—hard of heart, cold, selfish, and bigoted in soul! After noting this objection to this clause, it is almost unnecessary to mention the fact that it makes our State a money changer in the house of our God! It puts the hand of the Tax Collector upon the utensils from which the typical blood of the Redeemer moistens the lips of the devout penitent. It exacts dues from the volume of Holy Writ, and profanes the sanctuary of religion with the miser's exactions! A fine subject for a historical painting! The pencil of a Kaulbach might justly enshrine it. He would typify the genius of Missouri sitting as a vampire at midnight among the tombstones of the dead, surrounded by ghoul-like tax-gatherers, and counting, with gleaming eyes, the collected treasure, while in the far distance to the left would be seen a long train of weeping little orphans, with the halt, the lame and the blind; and far to the right a motley throng of strong men and frail women looking on with sombre and vengeful visages. and from whom seemed to come weeping and wailing and gnashing of teeth. But to relieve this horrid scene and note the full historic cycle, above, high over this vampire, would be, in glorious effulgence, the superb form of Justice, tearing to shreds and tatters and casting to the four winds of Heaven this most foul abortion yclept a new Constitution!

ART. VIII. SEC. 6. Dues from private corporations shall be secured by such means as may be prescribed by law; but in all cases each stockholder shall be individually liable, over and above all stock by him or her owned and any amount unpaid thereon, in a further sum at least equal in amount to such stock.

Why this section was inserted it was hard to tell. We have been laboring for years to remove the incumbrance of slavery from the State, because it retarded the influx of immigration and capital. And if ever there was a State that needed the influx of these two important elements of progress and wealth, it is Missouri. Here is a perfect paradise—a land flowing with milk and honey—and here is room for millions of people; and at the very time when we are about to start forward in a glorious career, we are to be confined and bound by such legislation as this. And God knows, if this was the only provision inimical to our peace, prosperity and advancement, I would not object so much to this. But this is in unison with the spirit of this Constitution. One would think that it was formed expressly to retard our development rather than advance it. Capital is naturally cautious; and here, when we want our rich mines to send forth their wealth and have scattered plenty and prosperity, our Constitution seriously attempts to frighten it off. While surrounded by rivals on all sides who are moved by a laudable and just ambition to beat us in the march of success and glory, ought we not rather to legislate in the most liberal manner to encourage investments in the various enterprises so needful to the development of our resources. At least the Convention should have not restricted the Legislature in this matter, but left it power to pass such laws as may be hereafter deemed necessary to our wants. I cannot dwell longer upon this section, but I think it one of the most objectionable features in this document.

There are some other minor points of objection in this Constitution, but I pass them over and come to the main reason why I oppose it, and why all Radicals should do so. It embodies no new idea of freedom or civilization, but aims to perpetuate the prejudices of the hour. Instead of leaving the question of races at least an open question, it initiates a retrograde movement to the slavery standpoint, by asserting that citizenship or the elective franchise should be the corelative of color. Slavery in the Republic of America is dead. It died upon battle-fields, ranking in historic grandeur with any the world has witnessed. It was throttled because it was a great crime and because a great criminal. It was born, a wee thing, weak, sickly and harmless in the cradle of compromise. It was suckled and nursed into strength and arrogant manhood by prejudice. Prejudice infused into the body politic—upon no basis but that of the color of the skin—made it great, made it nigh unto all powerful, so powerful that it assaulted with fratricidal hands the Republic of our fathers, and cleaved to the earth a million

of noble souls who guarded the highway to the nation's heart. The public man who now would seek to retain still by the teachings in a constitution that same prejudice in the body politic, is unworthy of confidence, is a traitor to the dead who died to eradicate it, and should receive the condemnation of all good men. It was a cowardly act to retain this relic of barbarism in this instrument; to belie, when standing amid the dead bodies of hundreds of thousands of heroes who fought to destroy it, the solemn words of the Declaration of Independence, that "all men are created free and equal." You sneakingly put in the word white in every clause excepting where citizens must do military service. There you excluded it. You need the negro to fight your battles, to stand in the tempest of war; yet you can assure him in the long future of no chance for him to exercise the rights of a citizen. Why could you not have left it an open question for him? He has all the disadvantages, you the advantages. Were you afraid that he might reach some position of respectability in the land? Has he not a right to the privilege at least of gaining it if he can?

The late President, about four years ago, raised with his own hand the national flag over Independence Hall, Philadelphia, and on the occasion said: "I have often inquired of myself what great principle or idea it was that kept this Confederacy so long together. It was something in the Declaration of Independence, giving liberty not only to the people of this country, but hope to the world for all future time. It was that which gave promise that, in due time, the weights should be lifted from the shoulders of all men, and that all should have an equal chance. * * * Now, my friends, can this country be saved upon that basis? If it can, I will consider myself one of the happiest men in the world if I can help to save it. But, if this country cannot be saved without giving up that principle—I was about to say I would rather be assassinated on this spot than to surrender it." And, my friends, he never surrendered it, for in the last words that he addressed publicly to the world, when looking over the history of four years from the time of saying the above, with all its varying incidents and weighty influences, and the shout of victory ringing throughout the land, he says, in speaking of the Louisiana Government: "I would myself prefer that it (the elective franchise) were now conferred on the very intelligent colored man, and those who serve our cause as soldiers." But this principle is surrendered by this Convention; they incorporate in this, the organic law, a recognition of the right of this race distinction; they make themselves a party to the sustaining and protecting of this abominable prejudice of race and class and color. They put into this Constitution the statement that all men are not created free and equal before the law; that certain of them should have no opportunity to realize the enjoyment of citizenship, not by reason of any crime, but because there is a prejudice against them, by reason of the teachings of past party policies; and the prejudice, whether right or wrong, must not be left open to combat in the Legislature, but must be recognized and enshrined in the organic law, to be kept alive, and to teach our children that to be born white is not only to come from progenitors of greater historical renown but that the Republic's law discriminates in their favor in the race of civilization. Why make it easier for the strong race to succeed, than the weak and the feeble? Why ask that custom, that iron-willed master, should still rule us against the rights of a race born of a common God, and journeying to a common bourne? Is not the laborer worthy of his hire in the sight of Heaven, and should he not be in the sight of man? You invoke, in the first clause of this Constitution, God's blessing upon it and attribute it (as it were) to him. It is a blasphemy, for He recognizes not nor cherishes in the hearts of men vengance, evil passion, selfishness and the arrogance of a pride that closes the door of charity against the meek and lowly! By the sacred memory of that long array of patriot heroes who marched into death and whose bones lie bleaching on the battle-fields of our land; by the very soil saturated by the blood of heroes, the purple currents of some of whom were of the darkest hue and complexion; by the holy principle of right as God gives us to know the right, let every American swear that in this broad land, under the eyes of a durable Constitution, the boon of liberty thall descend like the gentle dews of Heaven upon all races of the sons and daughters of men: It is necessary in this country to eradicate the prejudice against the colored man—as necessary for the benefit of ourselves as for his. It can be done only by destroying that prejudice by reason and discussion. In a Republic all power should be gained in this way, for error, always pernicious, will be overcome if reason and truth are left to combat it. But in this Constitution pretended to be a Radical Constitution, strange to say, the people are restrained to a certain extent from combating this error, or, in other words, the State takes part in favor of error, recognizes it, and guards it by requiring that it be fought against over breastworks of Constitutional restrictions, and that very error the appendage of slavery, which radical men have talked so much of eradicating, root and branch, and casting to the swine. The ingenuity of the members of this Convention was exercised to its full extent to punish all persons the least tainted with sentiments against the Government, and that desire, as has been shown, was pricked on by vengeance. It is to be feared that their action was not altogether actuated by love of a principle involved. But in doing so, it strikes me that they "strained at a gnat and swallowed a camel." They punish rebels, or attempt to do so, but leave a vestige of the curse of the rebellion still in life and being, and volunteer their support to sustain it. They restrict the full force even of the emancipation ordinance, by inserting in this thing that the prejudice which sustained and gave life-blood to slavery shall still exist. They were elected to kill slavery, and they only partially did that. If they had only passed the Ordinance of Emancipation and amended the old Constitution by striking out the word white, and gone home, they would have adhered to principle and done more good than if they had passed the most stringent disfranchisement ordinance and still left this vestige of slavery—a race distinction. The disfranchisement of rebels is claimed as a necessary party measure to retain power The destruction of slavery has been deemed a

measure of pure principle. They adopted the former for party purposes, but repudiated the question of principle that the Radical party has always claimed to fight for. If the great highways of the Republic leading to success, prosperity and honor had been left an open question to the people as to how they shall regulate the mode of travel thereon, no objection could or would be made. It is for the people to decide these questions. It is for men to go for or against what they think is right or wrong. Many sensible men oppose the idea of granting immediate negro suffrage. Among the friends of the measure, I believe there are few but believe in a system such as indorsed by Mr. Lincoln in the passage previously quoted; but it matters not—the question here is, why debar the hope which cherishes effort to this class by constitutional restriction, and placed therein by a party which claims to be progressive, on this very question above all others. Out upon such hypocrisy! Better that some rebels go unpunished than that this cowardly recreancy to principle and abominable political heresy be indorsed as an organic law by the Radicals of Missouri!

"But," says every blind supporter of this Constitution whenever an argument is offered against it, "it disfranchises rebels, and, as to the objections to it, they can easily be remedied because of the facility of amendment afforded." My friends, this is one of the most objectionable features of this Constitution. It is the stability of laws that gains them respect, and above all an organic law should be stable, liable to few changes, and revered by all parties. Let legislative conflicts be confined to legislative duties and questions, and not prepare the way for a constant assault by every party gaining an ascendency against the Constitution. It will breed innumerable troubles, this idea among the people that the Constitution is like a legislative enactment, to be repealed or changed by a majority of such party as may for the time being have power. It will subject it to constant fluctuations, and parties will govern the Constitution instead of the Constitution governing parties. And in the rapid changes and constant conflicts over it, the masses will lose all respect and reverence for their organic law. The common law to-day, which extends its benign influence over us, has its force and effect from the respect that the Courts and the people have for it, and the known pernicious effects that would be consequent in a constant departure from its precedent. If this Constitution is adopted, I look for no other question to divide the people of Missouri as long as it stands, but questions involved in amendments offered to it. Salutory legislation will be neglected, to quarrel and wrangle over the construction of the organic law. The Legislature will find itself tied and restricted in every avenue that leads to the development and progress of this great State. And, to throw off the shackles, a constant assault may be anticipated upon the Constitution. That this is offered as an apology by the framers and supporters of this document, bespeaks for them little reflection or statesmanship. It is one of the most pernicious features in it.

And now, my friends, let us see how stands the old Constitution in comparison with this. It is claimed, in the first place (and I shall take the advantages claimed for the new Constitution over the old one, as set forth by the President of the late Convention, Mr. Krekel, and others), that the new Constitution "establishes our relations to the Federal Government so firmly, and defines them so clearly, that they cannot be shaken or misinterpreted."

It is not necessary that the Constitution should do that. The question of our relations to the Federal Government has just been settled by the defeat of this rebellion, and is settled by a power far above the Convention, or Constitution of any State in the Union. It is, in fact, rather an impudent assumption to so talk. The Government of the Republic settles that without regard to State Constitutions. So here is no advantage over the old Constitution at all. Secondly, It is claimed that by this one we are secured from ever having to pay for slaves emancipated. "Should the opposition," says Mr. Krekel, "obtain power, this might be a most important question, for the former owners of negro property would then doubtless claim that they had been unjustly deprived of it, and might pass laws taxing the people to recompense the late slaveholders. If the new Constitution were ratified, this would be most effectually remedied." Ah, is this the case? To see a person occupping the responsible position that the President of the late Convention does make so egregious a blunder, is lamentable to say the least. The statement is false in every particular. The new Constitution requires only a majority to amend it, whereas the old one requires a two-thirds majority. There is no power, by any construction that can be placed upon any clause in the old Constitution for the Legislature to pay for slaves emancipated by the late Convention. It could only be done by an amendment to that Constitution; and if the "opposition" ever got the ascendency in the Legislature and State by a bare majority, they could amend the new Constitution, and provide for the payment of slaves; whereas by the better, the old one, it would require a two-thirds majority. Bosh! The old is clearly the better in this respect, the opinion of a United States District Judge to the contrary notwithstanding. Thirdly. It is claimed to be an improvement upon the old one, because by it the person convicted of treason shall not only forfeit his estate for life but forever; in other words, it is considered by the advocates of this document that the punishment of the innocent children of a rebel father is an advancement in the progressive spirit of Christianity and civilization, worthy of all praise and an indorsement by the people of the State. I beg leave, with due modesty, to dissent from the opinion that such a brutal doctrine is an advancement towards the right. It has been adopted by some tyrants to their everlasting infamy, but never as yet by the Government of the United States or any State. It may be that Missouri is to be the first to inaugurate it in this land of liberty and stand alone with the despicable brand upon her brow. If so shame will come upon the people. The old Constitution conforms to the Constitution of the United States in this respect, and is preferable to the new.

Fourthly. It is claimed to be better than the old one because the Executive is deprived of the right to exercise clemency in favor of any one convicted of treason. Herein it is simply claimed to be an advantage to the people to prevent the pardoning of a person, even though,

after conviction, it is clearly shown, by subsequent events proved, that he is innocent. Few men of sense will consider this as a great benefit or as an improvement upon the old Constitution. Perhaps it was put in with a forshadowing that Gov. Fletcher was likely to turn Copperhead and oppose the new Constitution. The other advantages (aside from the prohibition of special legislation, the only good feature in the entire document) claimed for this over the old one, such as that a person charged with the commission of a crime in one county can be removed for trial into another county, and that no officer shall receive more than $2,500 per annum for his services,are unworthy of notice in the discussion of an organic law.

And now, to sum up, how stands it. These few things claimed as being an improvement upon the old Constitution—and really no improvement as I have shown—stand against all the monstrosities noted in my argument. For these we are to take this Constitution with all its faults. Never, no never! For it is vindictive and revengeful throughout; it interferes with the rights of conscience; it trenches upon individual liberty; it provides a corrupt system of districting; it hampers tho development of the State; it restricts and strikes down the best functions of the Legislature; it changes the immemorial customs and usages of law; it makes the original law subject to the control of party; it inaugurates a system of taxation entirely alien to our republican ideas of Government; and lastly, it perpetuates the foulest blemish of a barbarous age—an anomaly and a crime in a Republic—class and race distinctions. There is none of these faults in the old Constitution. There is simply this distinction between the old and the new: the old one is not perhaps restrictive enough, the new one is entirely too much so. The advantage is with tho one nearest to the great truth "that the world is governed too much." A lamentable emergency this, have individual arogance and assumption placed us in. A great State just freed from the incubus of slavery, ready and anxious to bound forward in a career of greatness and of glory, must be shackled again, and have attached to her car principles as repugnant as slavery itself! We want a Constitution—we must have a Constitution—but not this one. The war is ended, and tho dawn of peace, glorious and beloved peace, spreads its wings once more over our distracted land. In the next six months we will learn more how to frame an organic law to meet the requirements of the new time than we have in as many years past. We have been used to war—we must become used again to peace. We want one framed to promote peace and prosperity to the State, which this one will never do. Without malice, in calmness, without intolerance, without bigotry, without any of the passions that sully the individual, let alone the State, we want it constructed,—a new Constitution framed in simplicity, liberal, noble and grand, whose foundations shall be laid deep in the love and affections of the people, and against whose broad base the waves of passion and partisan conflict may harmlessly dash and break!

And how can we get it? Two plans suggest themselves. We can either resort again to a Convention, or we can call upon the Legislature to draft one, at its next session, and present it to the people for ratification or rejection. The Legislature has equally the same power so to do as the Convention, and, if one were so framed by them and ratified by the people, it would be as binding as this one if ratified; or they could frame an entire new Constitution and pass it as amendatory to the old one. Another Convention at first thought is rather repugnant to most men, because of the unpardonable assumptions of the last two. But rather than to go without a true and liberal Constitution, I would favor the calling of another Convention. But our duty now should be to defeat this document. And to the Radical party of Missouri I would say, if you look now, as you have heretofore, to the glory and advancement of your State and common country, exert all power to kill this new Constitution. It is not your Constitution; you gave no warrant for its drafting and your principles are not recognized in it. It will, if adopted, ruin your State and destroy your party, and in its destruction there will rest a burning shame upon your record of infidelity to pledge and to principle. And come what may, if this Constitution is adopted, as a citizen of Missouri, where I expect to live and die and be buried, I here make a solemn pledge that I will never relax in determination or effort until this foul thing is expunged from the statute books of my State, and gibbetted as a common carrion!